

17963. Misbranding of Rexall gripe pills. U. S. v. 957 Boxes of Rexall Gripe Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23370. I. S. No. 03641. S. No. 1538.)

Examination of samples of a drug product, known as Rexall gripe pills, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 5, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 957 boxes of Rexall gripe pills, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the United Drug Co., from Boston, Mass., in various consignments, on or about January 16, 24, and 25, 1929, and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of salicylic acid, cinchona alkaloids, capsicum, and aloin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the tin container, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Top of tin) "Gripe Pills * * * For La Grippe, and to allay the Irritation, Headache, General Depression and Fever, associated with Influenza;" (bottom of tin) "Gripe Pills * * * Directions. One or two pills (according to the severity of the symptoms), to be taken every two hours, until all fever and prostration have subsided. Continue with one pill three times daily for ten days, after apparently well."

On March 10, 1931, claim and answer having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17964. Misbranding of Prescription No. 3913. U. S. v. 5 9/12 Dozen Bottles of Prescription No. 3913. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25639. I. S. No. 5079. S. No. 3902.)

Examination of a sample of a drug product, known as Prescription No. 3913, from the herein-described interstate shipment having shown that the labeling bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and nine-twelfths dozen bottles of Prescription No. 3913, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by C. H. Platt, from New York, N. Y., on or about December 8, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, sugars, alcohol, and water, flavored with sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Sciatica, Muscular and Chronic Rheumatism. Successfully used since October 14th, 1892, in the treatment of Gout * * * For Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout. * * * had at that time been a sufferer from Chronic Rheumatism for more than ten years, and had given up hope of ever being relieved. He used the medicine with the most satisfactory results, a complete and permanent cure being effected * * * It is a Prescription that represents a combination of medicines so exact in proportion as to exert their curative powers in a remarkable degree in the various forms of Muscular and Chronic Rheumatism * * * Our earnest request to those who have been restored to health by its use, is that * * *

This medicine has been used successfully in Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout, it has proven effective, produces results that are permanent and complete. * * * Sciatica, Muscular * * * For Rheumatism Chronic Rheumatism and Gout."

On February 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17965. Adulteration and misbranding of ether. U. S. v. Forty ¼-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25595. I. S. No. 9740. S. No. 3877.)

Samples of ether from the herein-described shipment having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 30, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of forty ¼-pound cans of ether, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Merck & Co. (Inc.), from New York, N. Y., on or about December 16, 1930, and had been transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the label of the article.

Misbranding was alleged for the reason that the statements on the labeling of the product, (can) "Ether for Anesthesia, U. S. P." and (carton) "Ether, U. S. P.," were false and misleading.

On February 16, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17966. Adulteration and misbranding of ether. U. S. v. 16 Cans, et al., of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24927. I. S. Nos. 156, 168. S. No. 3268.)

Samples of ether from the herein-described shipments having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On July 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on July 29, 1930, an amended libel, praying seizure and condemnation of sixteen 1-pound cans and eight 5-pound cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about May 24, 1930, and transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether Purified U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard prescribed therein, since it contained peroxide, which is not permitted by the said pharmacopoeia. Adulteration was alleged for the further reason that the article fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statement on the label, "Ether Purified U. S. P. X.," was false and misleading.

On October 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*